



## HUMAN RIGHTS AND WOMEN – A CONCEPTUAL ANALYSIS

**Dr. Azhar Iqbal Shaikh**

*Associate Professor and Head (Social Work), School of Social Sciences, S.R.T.M. University, Nanded.*

### **Introduction**

A very simple meaning of human rights can be that, human rights are those minimum rights which are compulsorily obtainable and enjoyable by every man and women as he/she is a member of human family and society. The constitution of India also guarantees the equality of rights of men and women. However, in the sphere of women's human rights in India, there exists a wide gulf between theory and practice. Indian society is a male dominated society where men are always assumed to be superior to society. The women in India very often have to face discrimination, injustice and dishonour. Though women in India have been given more rights as compared to men, even then the condition of women in India is miserable. The paper will throw light on the human rights and women in India and that how all the fundamental rights given to the women are being violated in India, by focusing on the various crimes committed against them.

About half of the world population is constituted by women, but yet they have not treated equally as men or they have not enjoyed equal rights in the society. Gender differences, customs, traditions, social attitudes etc., are mainly responsible for the inequality between men and women. Women in traditional patriarchal society have always been considered as weaker section or inferior section of the society. Today, all the members of the society have an equal right to live, to enjoy equality, to be treated justly and to live in peace. Besides, the Human Rights of women and girl child are an integral part of the universal human rights (World Conference on Human Rights, 1993).

The term "women's rights" encompasses many different areas, making it among the most difficult areas of law to define. Women's rights are most often associated with reproductive rights, sexual and domestic violence, and employment discrimination. But women's rights also includes immigration and refugee matters, child custody, criminal justice, health care, housing, social security and public benefits, civil rights, human rights, sports law, LGBT rights(lesbian, gay, bisexual and transgender) and international law.

Women emerged as a distinct interest group in the 19th century primarily because the bourgeoisie democratic revolutions of 17th and 18th century that excluded women from their concept of equality. This distinction was based on gender. Since then women as a commune had waged struggle for recognition of their rights as a human being. Women's execute multilateral role in the society i.e. as a breadwinner of her family, as a care taker of her family as a mother, wife, daughter and service provider to the society. In spite of the fact that the women's contribution to the country's development is equal to that of their male counterpart, still they experience a number of limitations that restrain them from comprehending their potential for expansion. It was against this background that the government's all over the world felt the need to prioritize the interests of women and their participation at every stage of the development process. Women as a core group of concern emerged as a major theme in the Millennium Development Goal. The Millennium Development Goal are the eight goals set by the United Nations in 2000.

### **Constitution of India and Human Rights**

The constitution of India has granted equal rights to the men and women. According to article 14 –"The State shall not deny to any person equality before law or the equal protection of laws within the territory of India". And Article 15 states – „State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them, but today, it seems that there is a wide gulf between theory and practice. The women in India have always been considered subordinate to men. Though the articles contained in the constitution mandates equality and non – discrimination on the grounds of sex, women is always discriminated and dishonored in Indian society. Although various efforts have been taken to improve the status of women in India, the constitutional dream of gender equality is miles away from becoming a reality.

The paper is focusing on the various human rights of women in India and how they are being violated. Although special rights are being given to woman as compared to men, but the rights given to the women are veryless helpful to them, which are mentioned below.

### **Women Human Rights in India**

- Right to livelihood • Right to education • Right to equality • Right to liberty• Right to live with dignity • Right to property
- Right to politics• Right to free choice of profession• Right to equal opportunity for employment• Right to get equal wages for equal work• Right to protection from gender discrimination • Right to work in equitable condition • Right to social



protection in the eventuality of retirement, old age and sickness • Right to protection from society, state and family system.  
• Right to protection of health • Right to privacy in terms of personal life, family, residence, correspondence etc. • Right to protection from inhuman treatment.

### **Violation of Women Human Rights**

It is a fact that, the women in India have been the sufferers from past. Not only in earlier times but even now days also, have women had to face discrimination, injustice and dishonour. Let us now discuss the crimes done against the women in spite of being given rights equal to men. These points will explain that continues violation of human rights of women in India.

### **Violation of Human Rights of Women in Historical Times**

The women in Indian society never enjoyed a fair status. Broadly speaking, the following crimes and violation of rights were done against the women in the historical times.

- **Devadasis:** Devadasis was a religious practice in some parts of southern India, in which women were married to a deity or temple. In the later period, the illegitimate sexual exploitation of the devadasis became a norm in some part of the country.
- **Jauhar:** Jauhar refers to practice of the voluntary immolation of all wives and daughters of defeated warriors in order to avoid capture and consequent molestation by the enemy. The practice was followed by the wives of Rajput rulers, who are known to place a high premium on honour.
- **Purdah:** Purdah is a practice among some communities of requiring women to cover their bodies so as to cover their skin and conceal their form. It curtails their right to interact freely and it is a symbol of the subordination of women.
- **Sati:** Sati is an old custom in Indian society in which widows were immolated alive on her husband's funeral pyre. Although the act was supposed to be voluntary on the widow's part, it is believed to have been sometimes forced on the widow.

### **A Brief Review of Women's Human Rights Violations in India**

This paper reviews and highlights few areas of human rights abuse of women in India, which are mentioned below.

#### **1. Missing of Girl Child**

The girls from the poor families in India are sold off by the brokers to the men's in particularly in Northern India where the problem of imbalanced sex ratio is very much evident. Apart from these there are cases of women going missing from their marital homes.

#### **2. Dowry Deaths**

Dowry disputes are quite a serious problem. The National Crime Records Bureau in India in its report had disclosed that in 2012 around 8233 newly wedded brides were killed for dowry. 'The Dowry Prohibition Act' has not been adequately put into operation in India. It has been discovered that mostly a number of states neither have a Dowry Prohibition Officers nor do they made it obligatory to keep the record of things given and received.

#### **3. Domestic Violence**

India we have 'Protection of Women from Domestic Violence Act 2005', domestic violence still remains a serious problem. Infact a major scale of violence that a woman is subjected to in India is linked to the domain of domesticity. The reasons for Domestic aggression are primarily ingrained in the patriarchal nature of the Indian society which supports such violence at home.

#### **4. Female Foeticide**

The low status of women goes on with the practice of infanticide, foeticide, sex-selective abortion which has become common due to the amniocentesis technology, and mal-nourishment among girl children. In India it is estimated that around "10 million female foetuses have been aborted in the last 20 years". Illicit termination of female foetuses by untrained nurses and staff is widely prevalent particularly in Northern states of India like Haryana, Rajasthan and Punjab.

#### **5. Education**

Education is one of the most critical areas of empowerment for women. Although the right to education under Article 21 of the Indian Constitution have made it compulsory for the government to provide free education to everybody, the high rate of women's education is still a distant dream. This is particularly true in the rural areas in



India. This is because the parents expect girls to look after the siblings while they are at work, working with the parents as seasonal labour during the cultivation period and managing the household work while the parents are at work, the parents take more interest in boys' education as against the girls as they feel that the girls are to be married off, increasing cost of education etc.

6. **Sexual Harassment at the Workplace**

The initiative on a discourse on sexual harassment of women at their workplace in India started with Supreme Court's Vishaka guidelines in 1997. In India the women are discriminated against in terms of payment of remuneration for their jobs. This is true for both urban as well as rural areas.

7. **Rape**

In India there has been a significant increase in the numbers of rape cases in the last 10 years. According to National Crime Records Bureau, in 2012, 25000 rape cases were reported. The NCRB also reports that in the year 2015 there were in all 77 thousand crimes against women registered in India. In India in the rural areas, particularly in Northern India, the upper caste people use mass rapes as a strategy to have power over the members of the lower caste groups. The brutal gang rape case in Delhi (Nirbhaya) had led to the passage of a stricter Law. But, still it is awaited. The very recent that is July 2016, gang rape case committed by the eight people on the highway of Uttar Pradesh, in front of the family members is a shameful act on the part of the Indian human society.

8. **Societal Violence against Women:** The religious communities, village communities or the artificial communities like professional bodies are hardly epitome of equality between men and women. Quite often the religious communities have made the life of the women worse by forcing them to adopt conservative practices that are harmful to women.

Therefore, to conclude the paper it can be said that, all the violence done against the women definitely brings forward a question mark that, how these special rights given to the women are helping them? Whatever may be the number of laws enacted for the women do not count, but are they really helping them is essential. The question, Does the women get equal status along with the men, still remains unanswerable and there is still long way to go, to get the answer.

**References**

1. Crimes in India – 2010, NCRB, Ministry of Home Affairs.
2. Shashi, Krishan. July 1, 2008. Indian Democracy and Women's Human Rights. Madhya Pradesh Journal of Social Sciences.
3. United Nations Department of public Information DPI/1772/HR – February 1996.
4. Poonam Dhanda. 2012. Status of Women in India. RBSA publications. Pg. –1-14.
5. Madhurima. 2010. Readings in sociology. New Academic publishing co. Pg. 216 – 233.
6. KishwarMadhu, Where daughters are unwanted, Manushi, 86, 15-22 (1995).
7. Jha P., R. Kumar, P. Vasa and N. Dhingra et al, Low Male to female sex ratio of children born in India: national survey of 1.1 million households, Lancet, 367, 211-18 (2006) www.homeoffice.gov.uk
8. Vishwanath L.S., Female Infanticide: The Colonial Experience, Economic and Political Weekly, 45, 2313- 2318 (2004).
9. www.unhchr.ch (2014).
10. Agarwal Bina, Are We Not Peasants Too? Land Rights and Women's Claims in India, Population Council, 4 (2002)
11. SarpotdarAnagha, Sexual harassment of Women: Reflections on the Private Sector, Economic and Political Weekly, 47, 18-23 (2013).
12. Ncrb.gov.in/CD.../statistics2012.pdf (2014).
13. Agnes, Flavia Law and Gender Inequality: The Politics of Women's Rights in India, OUP, New Delhi, 127-128 (1999); www.anna.iwate-pu.ac.jp.
14. Chatterji Angana, Women in search of human equality, Social Action, 40, 46-56 (1990).
15. Sivaramayya B., Status of Women and Social Change, Journal of Indian Law Institute, 25, 270 (1983).